



HISTORICAL AND ADMINISTRATIVE-LEGAL ASPECTS IN THE FIELD OF URBAN FORESTRY IN THE CONTEXT OF EUROPEAN GREEN POLICIES

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* This research was funded by the European union - Next Generation EU: Implementation and Enforcement Challenges of the European Law on Selected Institutes in the Croatian Legal System (IPIE), (ID: 581-UNIOS-88). However, the views and opinions expressed are solely those of the author(s) and do not necessarily reflect those of the European Union or the European Commission. Neither the European Union nor the European Commission can be held responsible for them.

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ABSTRACT

This paper analyzes the transformation of legal norms for urban forestry in Croatia from its fragmented 19th-century legal framework to today's holistic legal standards based on EU directives. It tracks the evolution of urban forests from being simply subjects of "regulation of police and community" in the Habsburg legal system to being integral components of the EU's "green infrastructure" paradigm in the environmental acquis. This paper applied historical legal research methodology to show how the Habsburg monarchy influenced Croatian forest law through legislation; and how those legislative developments in turn have had lasting effects on Croatian law. Additionally, a dogmatic legal analysis was performed to analyze the most recent national laws enacted regarding the topic. A comparative methodology has been used to compare the legislative developments in Croatia with that of the EU as detailed in strategic documents including the EU Biodiversity Strategy for 2030, the New EU Forest Strategy for 2030, and the European Green Deal. At the regional level of the European Union, the potential of urban and suburban areas has been highlighted by the European Union Forest Action Plan (EUFAP) since 2007–2011. The New EU Forest Strategy for 2030 encourages the expansion of forest and tree cover specifically in urban areas, supporting these initiatives through the Biodiversity Strategy and the European Green Deal. The discourse centered on the concept of normative fragmentation identified in the field of urban forestry. The law at the time defined street trees as city property or objects of "administrative policing" (primarily for maintaining public order and ensuring sustainable timber) and there were no new issues created due to the intersection of forestry with land use planning and environmental law. The authors argue that the EU policy goals of achieving climate neutrality and creating resilient cities will require a shift in the way that forests are perceived from being "economic resources" to providing "multiple functions as multifunctional ecosystem services". In addition to describing this contrast, the authors portray the difference in legal conservatism in Croatia versus the rapidly changing needs of EU law that requires a comprehensive legal approach to managing urban green space for mitigating the "heat island" effect and the loss of biodiversity. An analysis of the current legal regulations and other legal sources reveals inconsistencies, ambiguities, and legal gaps in the regulation of issues related to urban forestry, which are governed through various legal sources (regulating forests, nature and environmental protection, roads, municipal services, decisions on communal order, spatial planning, strategic documents, and others). Furthermore, problems arise regarding the competences of different public authorities and the scope of their powers. The study concludes that despite a strong legal tradition of sustainability, the Croatian case is stymied by a lack of coherence in urban greening.

Keywords: Croatian forest law, EU environmental law, Green infrastructure, Normative fragmentation, Urban forestry

1. INTRODUCTORY CONSIDERATIONS

The normative frameworks that governed urban and peri-urban forest areas between 1852 and 1945 did not emerge in an institutional vacuum; rather, they established the conceptual foundations upon which all subsequent legislative solutions would be built. The analysis of the Habsburg and interwar normative systems demonstrates that the urban forest did not exist as a recognised legal category during that period: forest legislation treated forests exclusively as economic

and ecological-protective objects, while municipal legislation regulated parks and tree-lined avenues as components of communal property, without any coordination between these two regulatory tracks. This conceptual separation, between the forest as an object of forest law and greenery as an object of municipal law, was overcome neither by the unification of legislation in the Kingdom of Yugoslavia in 1929, nor by the subsequent changes of state-legal framework up to 1945. It is precisely this structural lacuna, established and institutionalised during the period under examination, that constitutes the starting point for understanding the manner in which socialist legislation would subsequently regulate urban green spaces, not as an integrated system, but as a set of functionally separate categories inherited from earlier legal orders.

Urban green spaces which under modern legislation include parks, tree-lined avenues and forest parks, were regulated in the socialist period to which this research refers as public goods in general use.¹ As such, they were subject to a special administrative-legal regime, the purpose of which was to ensure their accessibility to all citizens and their protection in the public interest. Their function was therefore primarily social and communal rather than ecological in the contemporary sense. In this regard, the maintenance of green spaces was part of the public services system, often under the jurisdiction of local communities and utility companies. The laws on utility services from that period serve as the basis for defining the processes of maintenance and management of urban green spaces, which were also considered necessary during the socialist period for the daily lives of the urban population.

Spatial and urban planning also played an important role in the process of planning urban greenery, through which the use of urban areas was determined, including green zones, buffer zones and recreational spaces. Although the term “urban forestry” was not used in urban planning activities of that period, planning documents already recognised the need for the integration of vegetation into the urban space in order to improve living conditions. However, this approach was primarily oriented towards the functional arrangement of space and the development of settlements, and only secondarily towards environmental protection. Based on the analysis of legislative texts and available literature, it can be argued that urban forestry in the Yugoslav legal system was not recognised as a separate legal category, but existed in an implicit form through the system of management of public goods, utility services and spatial planning. This research does not attempt to anachronistically find the concept of “urban forestry” in the normative articu-

¹ Borzan, Ž., *Prilog diskusiji o urbanom šumarstvu i vrednovanju općekorisnih funkcija šume (A Contribution to the Discussion on Urban Forestry and Evaluation of the General Forest Benefits)*, Glasnik za šumske pokuse, Spec. Issue 4, 1993, p. 11.

lation of legal sources, but rather to investigate why it did not exist and whether its functions were nonetheless performed within the fragmented but functionally effective legal order of socialist Yugoslavia.

The legal regulation of urban forestry and green space management in the Republic of Croatia represents a complex system of regulations that has developed over time. These areas were regulated in several different laws and by-laws, which is still the case today, but more precisely and more developed. The legal sources we cite primarily relate to the current legislative framework and legal regulation, which indicates reform developments in this area in relation to historical development. One of the primary legal challenges is the dispersion of relevant provisions through various laws and by-laws. Green space management touches on regulations in the areas of spatial planning, construction, environmental and nature protection, municipal management, and roads. Newer regulations (2024-2026) bring significant innovations and increase the focus on green infrastructure, biodiversity conservation in urban ecosystems, and resilience to climate change. In modern urban planning and spatial management, green urban areas represent a key component of sustainable development, environmental protection, and the quality of life of citizens. However, there are limitations and challenges in the legal approach to managing these areas.

The obligation to plan and develop green infrastructure in urban areas is emphasized, with the aim of preserving existing and increasing new green areas and creating green cities. Additional impact was achieved due to alignment with modern European and global trends in urban planning and environmental protection. The need to implement public policies aimed at preserving biodiversity and increasing natural capital, spatial resources, in order to reduce environmental risks and increase resilience to climate change is emphasized. The above is presented and analysed in the Croatian legal system, with a call on European reflections on this issue, provided in numerous strategic documents, guidelines, directives and green policies in this area.

For the purposes of this paper the two key terms must be distinguished, since the *forest* and the *urban forest* rest on different criteria and serve different objectives. In the conventional sense a forest is defined through quantitative and land-use criteria: the Food and Agriculture Organization treats it as land of more than half a hectare bearing trees over five metres tall with a canopy cover above ten per cent, expressly excluding land under urban use² and Croatian law adopts a comparable conception, defining a forest as land continuously covered by forest trees on an

² FAO, *Global Forest Resources Assessment 2020 – Terms and Definitions*, Forest Resources Assessment Working Paper 188, FAO, Rome, 2018, p. 4.

area of 0.1 hectare or more, on which forest products are produced and the general-benefit functions of forests are realised, while expressly excluding from that notion tree-lined avenues and parks in settlements, botanical gardens and arboreta.³ The forest is thus conceived, in both frameworks, as a productive and protective natural resource of an essentially rural character. The *urban forest*, by contrast, is defined by its location and social function within the built environment; in international usage it denotes the tree-dominated component of urban green space, managed through *urban forestry* — the integrated, interdisciplinary, participatory and strategic planning and management of forest and tree resources in and around cities.⁴ Croatian law, moreover, gives the urban forest an express statutory definition: forests and forest land planned by spatial plans within or adjacent to the construction area of a settlement and significantly affecting the quality of life of its inhabitants; forests intended to create the conditions needed for the rest and recreation of visitors; and forests within the scope of campsites, golf courses and other sports and recreational areas.⁵ The decisive difference therefore lies in their objectives: whereas the conventional forest is valued chiefly for timber production and its protective functions, the urban forest is valued, and regulated, for the ecosystem services it provides to the urban population — recreation, public health, climate regulation, air purification and biodiversity — and so functions as an element of urban *green infrastructure* rather than as a timber resource.

2. THE HABSBURG LEGAL FRAMEWORK AND URBAN FORESTRY IN THE KINGDOM OF CROATIA AND SLAVONIA (1852–1918)

The regulation of forest areas in the Kingdom of Croatia and Slavonia during the Habsburg period did not proceed through a single legislative instrument, but through three functionally separate normative tracks that overlapped spatially in the urban and suburban area, yet were not mutually coordinated nor did they share a common concept of urban forestry as a subject of legal regulation. The identification and analysis of these three tracks is a fundamental prerequisite for understanding the institutional genesis of the normative fragmentation whose continuity is traced through all the subsequent legal orders analysed in this work.

³ Forest Act, Official Gazette No. 68/2018, 115/2018, 98/2019, 32/2020, 145/2020, 101/2023, 36/2024, Art. 5.

⁴ FAO, *Urban and Peri-urban Forestry (Sustainable Forest Management Toolbox)*, FAO, Rome, Available at: [<https://www.fao.org/sustainable-forest-management-toolbox/modules/urban-and-peri-urban-forestry/en>], Accessed 2 June 2026.

⁵ Forest Act, Official Gazette No. 68/2018, 115/2018, 98/2019, 32/2020, 145/2020, 101/2023, 36/2024, Art. 22, para. 10.

The first track, the general forest law track, was based on the Imperial Forest Patent of 3 December 1852 (Kaiserliches Patent über die Regelung des Forstwesens, RGBl. Nr. 250/1852), which was the only general forest law instrument applicable throughout the territory of Croatia and Slavonia. The Kingdom of Croatia and Slavonia did not adopt its own comprehensive law on forests throughout the Habsburg period. Forest supervision was systematically grounded in the Patent of 1852, which remained formally and substantively the foundational norm of forest management until the dissolution of Austria-Hungary. This fact is in itself analytically indicative: the absence of an autonomous legislative intervention in forest law confirms the passive transfer of the Austrian normative model without adaptation to local, and particularly urban, contexts.

The second track, the special track for collective ownership and public supervision, was based on three legislative acts of the Croatian Parliament of 1894: the Law on the Regulation of Forestry-Technical Service with the Political Administration of 22 January 1894, the Law on the Regulation of Professional Administration and Forest Management in Forests under Special Public Supervision of 26 March 1894, and the Law of 25 April 1894 on the Regulation of Land Communities.⁶ These acts governed a special category of forests under public supervision and collective ownership of institutions that had arisen from the demilitarisation of the Military Frontier and agrarian reform, a significant part of which was located in the immediate vicinity of urban settlements.⁷

The third track, the municipal law track, was based on the Laws on the Organisation of Urban Municipalities of 1881 and 1895, and on the Building Code of 1895, which regulated urban green spaces, parks, tree-lined avenues and ornamental plantings, as objects of municipal property or administrative policing, entirely beyond the reach of both forest law instruments.⁸ The intersection of these

⁶ Law on the Regulation of Forestry-Technical Service with the Political Administration in the Kingdom of Croatia and Slavonia of 22 January 1894 (Sbornik zakonah i naredabah valjanih za Kraljevinu Hrvatsku i Slavoniju od godine 1894., No. 5); Law on the Regulation of Professional Administration and Forest Management in Forests under Special Public Supervision of 26 March 1894 (Sbornik zakonah, 1894, Part IX, No. 29); Law of 25 April 1894 on the Regulation of Land Communities (Sbornik zakonah, 1894, No. 36); Medvedović, D., *Povijest pravnog uređenja zaštite šuma na području Hrvatske*, in: Barbić, J. (ed.), *Pravna zaštita šuma*, HAZU, Zagreb, 2015, p. 80.

⁷ Piškorić, O.; Vukelić, J., *Pregled povijesti hrvatskih šuma i šumarstva*, in: Rauš, Đ. (ed.), *Šume u Hrvatskoj*, Grafički zavod Hrvatske, Zagreb, 1992, p. 275.

⁸ Law on the Organisation of Urban Municipalities (1881), Sbornik zakonah i naredabah valjanih za Kraljevinu Hrvatsku i Slavoniju, 1881, Part III, No. 3, pp. 95–119; Law on the Organisation of Urban Municipalities (1895), Sbornik zakonah, 1895, Part IX, No. 34, pp. 220–228; Čepulo, D., *Položaj i ustroj hrvatskih gradova prema Zakonu o uređenju gradskih općina iz 1881.*, Hrvatska javna uprava, Vol. 2, No. 1, 2000, pp. 83–120; Ostajmer, B., *Brod i Zakon o uređenju gradskih općina iz 1895.*, Scrinia Slavonica, Vol. 9, No. 1, 2009, pp. 257–274. The Croatian-Slavonian-Dalmatian Provincial Gov-

three tracks in the urban and suburban space, without a coordination mechanism and without a common definition of the urban forest as a functional legal category, constitutes the structural foundation of the normative fragmentation whose continuity is identified as the central legal-historical thesis of this work.

a) The General Forest Law Framework and Its Application to Urban and Peri-Urban Forests

The Imperial Forest Patent of 1852 entered into force in the Banal territory by imperial patent of 24 June 1857 and was applied from 1 January 1858.⁹ In the Military Frontier part, it entered into force on 7 February 1860, modified to a certain extent.¹⁰ The Law contained 77 paragraphs divided into seven sections.¹¹ Its fundamental purpose was, as Medvedović precisely formulates it, “the preservation of the forest fund, and only then the securing of the rights of owners and the enabling of economic exploitation of forests.”¹²

According to § 1 of the Law, forests were classified according to ownership into: state (erarian, cameral) forests, directly managed by state authorities; municipal forests, which are the property of the urban or rural municipality; and private forests, managed by individuals, institutions, foundations, monasteries and religious orders.¹³ This tripartite classification had direct implications for urban forestry:

ernment (Zemaljska vlada), acting through its Department of Internal Affairs within the scope of its autonomous competence, issued several building codes for towns and their surroundings, namely: (1) Building Code I — for rural areas; (2) Building Code II — for towns listed in par. 2 of the Law of 26 June 1895 (See: Towns of the second category (par. 2 of the Law of 26 June 1895): Senj, Bakar, Sisak, Karlovac, Petrinja, Koprivnica, Bjelovar, Križevci, Požega, Brod, Mitrovica, Karlovci, and Petrovaradin); (3) Building Code III — for towns listed in par. 1 of the Law of 26 June 1895, with the exception of the City of Zagreb, that is, for the towns of Osijek, Varaždin, and Zemun (See: Sbornik zakona i naredaba valjanih za kraljevine Hrvatsku i Slavoniju od godine 1900., Part VII, No. 63; Part IX, No. 73. For the text of the building codes with amendments and supplements, see: Smrekar, M., *Priručnik za političku upravnu službu u Kraljevinah Hrvatskoj i Slavoniji* [Handbook for Political-Administrative Service in the Kingdoms of Croatia and Slavonia], Vol. III, I. Granitz, Zagreb, 1902, pp. 488–548). The building code for the capital city of Zagreb had been issued by the Imperial and Royal Lieutenantcy (Carsko i kraljevsko Namjesništvo) in 1857 (See: Zemaljsko-vladni list za kraljevinu Hrvatsku i kraljevinu Slavoniju od godine 1857., Section Two, Part II, No.

⁹ Piškorić, O., *Pogled u prošlost šumarstva Hrvatske*, Šumarski list, Vol. 105, No. 7–8, 1986, p. 366. The text of the Patent is available in: Reichsgesetzblatt Nr. 250/1852, ALEX platform (alex.onb.ac.at).

¹⁰ Piškorić, O., *op. cit.* note 9, p. 366; Čavlović, J., *Osnove uređivanja šuma*, Šumarski fakultet Sveučilišta u Zagrebu, Zagreb, 2013, pp. 31–43. The Law was replaced in Austria itself only in 1975.

¹¹ Živaković-Kerže, Z., *Šuma i drvo – iskorištena ili neiskorištena mogućnost*, in: Župan, D.; Skenderović, R. (eds.), *Slavonske šume kroz povijest*, Hrvatski institut za povijest, Slavonski Brod, 2018, p. 264.

¹² Medvedović, D., *op. cit.*, note 6, p. 72.

¹³ Borošić, A.; Goglia, A., *Zakoni i naredbe tičući se šumske uprave i šumskoga gospodarenja*, L. Hartman, Zagreb, 1900, p. 5; Medvedović, D., *op. cit.*, Borošić, A.; Goglia, A., *Zakoni i naredbe tičući se šumske*

urban and rural municipalities were explicitly recognised as a special category of forest owners whose forests were subject to special supervisory obligations by the Regional Government — but exclusively as an economic object, not as urban ecological infrastructure.

Para. 2 prohibited the reduction of forest land and its conversion to another purpose without special authorisation from a higher instance.¹⁴ For the granting of authorisation with respect to municipal and private forests, the owners of adjacent land were to be heard and the public interest taken into account.¹⁵ This provision had direct applicable force for suburban forest areas exposed to the pressure of urban expansion. Para. 4 prohibited the devastation of forests, and forest owners could be penalized in the same manner as those who had arbitrarily converted forest land.¹⁶ Para. 5 prohibited acting in a forest in a manner that would expose the neighboring forest to “the peril of damage from wind.”¹⁷

Particularly analytically significant is § 9, which concerns forests encumbered with forest easements: such forests had to be continuously maintained in an appropriate manner and a special felling regime was prescribed for them.¹⁸ Para. 10 restricted forest grazing of livestock in parts of the forest designated for replanting.¹⁹ Para. 19 gave state authorities the power to place a forest “under prohibition” for the purpose of protection against landslides, rock falls and similar dangers to persons and property, which was functionally applicable to suburban forests of a protective character.²⁰

The Regional Government had jurisdiction only over municipal forests, and supervision over these forests was entrusted to the Forestry Directorate in Zagreb, together with the Senior Forestry Office in Vinkovci and the Royal Forestry Office in Otočac.²¹ According to data from relevant literature, forests accounted for 43% of the entire productive area of Croatia and Slavonia, with only 10,000 km² of for-

uprave i šumskoga gospodarenja, L. Hartman, Zagreb, 1900, p. 5; Medvedović, D., *op. cit.* Borošić, A.; Goglia, A., *Zakoni i naredbe tičući se šumske uprave i šumskoga gospodarenja*, L. Hartman, Zagreb, 1900, p. 5; Medvedović, D., *op. cit.* note 12 Borošić, A.; Goglia, A., *Zakoni i naredbe tičući se šumske uprave i šumskoga gospodarenja*, L. Hartman, Zagreb, 1900, p. 5; Medvedović, D., *op. cit.*, note 6, p. 72.

¹⁴ Borošić, A.; Goglia, A., *op. cit.* note 13, p. 6.

¹⁵ *Ibid.*, p. 6.

¹⁶ Borošić, A.; Goglia, A., *op. cit.* note 13, p. 14.

¹⁷ Borošić, A.; Goglia, A., *op. cit.* note 13, p. 16.

¹⁸ Borošić, A.; Goglia, A., *op. cit.* note 13, p. 34.

¹⁹ Borošić, A.; Goglia, A., *op. cit.* note 13, p. 34.

²⁰ Borošić, A.; Goglia, A., *op. cit.* note 13, p. 57.

²¹ Živaković-Kerže, Z., *op. cit.* note 11, p. 264.

est in Banal Croatia belonging to the state, while all the rest was in the ownership of magnates, corporations and local municipalities.²²

At the end of the 19th century, specifically in 1894, the Parliament of the Kingdom of Croatia and Slavonia proclaimed three legislative acts.²³ Unlike the Patent of 1852, which was an imperial regulation extended to Croatia and Slavonia, these three laws were autonomous acts of the Croatian Parliament the only more comprehensive legislative intervention in forest law that Croatia and Slavonia independently undertook in the Habsburg period.

On the basis of Law on the Regulation of Forestry-Technical Service with the Political Administration of 22 January 1894, a special forestry section was established in the Department of Internal Affairs of the Regional Government. The Law regulated supervision over all forests in the territory of Croatia and Slavonia, except state forests. Forestry experts were authorized to implement the laws, promote forest cultivation and conduct professional management.²⁴

The Law on the Regulation of Professional Administration and Forest Management in Forests under Special Public Supervision of 26 March 1894 governed professional administration and management in the forests of property communes, land communities, urban and other forest owners, where their forests were encumbered with easements.²⁵ Urban forests were explicitly included, but again only to the extent that they were encumbered with easements, and without any special category of urban forest.

b) Laws on Municipal Boroughs and the Building Code

The third regulatory track - the municipal law track - was based on the Laws on the Organisation of Urban Municipalities of 1881 and 1895, and on the Building Code of 1895.²⁶ Both laws of 1881 and 1895 are relevant to the issue of urban forestry not through direct provisions concerning forests or green areas, but through provisions governing the municipal sphere of competence. The Acts distinguished between the natural sphere of competence (the municipality's own affairs) and the

²² Kolar-Dimitrijević, M., *Kratak osvrt na povijest šuma Hrvatske i Slavonije od 1850. godine do Prvoga svjetskog rata*, Ekonomska i ekohistorija, Vol. 4, No. 1, 2008, p. 73.

²³ See note 6.

²⁴ Smrekar, M., *Priručnik za političku upravnu službu u Kraljevinah Hrvatskoj i Slavoniji*, Book II, I. Granitz, Zagreb, 1900, pp. 775–786; Borošić, A.; Goglia, A., *op. cit.*, note 13, pp. 162–185.

²⁵ Law on the Regulation of Professional Administration and Forest Management in Forests under Special Public Supervision of 26 March 1894, cited in note 6.

²⁶ See note 8.

delegated sphere of competence (affairs entrusted to the municipality by the state). The management of municipal property, including forests, parks and plantations in municipal ownership, fell within the natural sphere of competence. These regulations governed urban green spaces - parks, tree-lined avenues and ornamental plantings, as objects of municipal property or administrative policing, entirely beyond the reach of both forest law instruments (par. 57-60). The municipal law track was institutionally narrowest in scope: it applied exclusively to areas in municipal ownership. All other green areas, ecclesiastical, military, in the ownership of property communes or land communities, were entirely outside its reach.

The absence of the terms “park,” “tree-lined avenue” and “urban garden” from the entire forestry legislation of the Habsburg period is not an oversight or a gap, it is an empirical finding that confirms that parks and tree-lined avenues were conceptually invisible to forest law, while forests were invisible to municipal law. Nowhere in the entire normative corpus of 1852–1918 is there a provision that would treat them as parts of a single functional system of urban greenery. Viewed systematically, the three identified regulatory tracks constitute horizontal normative fragmentation, that is the Patent of 1852 was concerned with ecological stability and the prevention of clearing; the laws of 1894 with the sustainable economic yield of collective ownership institutions; the municipal law track with the aesthetic appearance of public urban space. None of these objectives was an urban-ecological objective in the modern sense.

3. THE INTERWAR PERIOD (1918–1945)

3.1. The Constitutional Framework and Legal Particularism of the Kingdom of Serbs, Croats and Slovenes / The Kingdom of Yugoslavia

With the dissolution of the Austro-Hungarian Monarchy in 1918, a complex normative problem arose. In the Kingdom of SHS there existed six legal areas,²⁷ which resulted in the application of a multitude of laws and legal provisions that were far from uniform. For the Croatian-Slavonian legal area, the provisions of three laws from 1894 continued to apply, while the Austrian Law on Forests of 1852 applied to the Dalmatian area.²⁸

²⁷ Kosnica, I.; Protega, M., *Politička prava u Kraljevini Srba, Hrvata i Slovenaca: razvoj temeljnih obilježja*, Pravni vjesnik, Vol. 35, No. 1, 2019, p. 146.

²⁸ Medvedović, D., *op. cit.*, note 6, p. 80. In the Croatian-Slavonian area, the provisions of the Law of 26 March 1894 on professional management and forest management in forests under special public supervision in Croatia and Slavonia applied; as well as the Law of 22 January 1894 and the Law of 1907 on penal provisions. In the Dalmatian area, the Austrian Forest Law of 1852 applied.

According to the Law of 1929, forests are divided into state and non-state forests (§ 1).²⁹ State forests are those that have become state property on any legal basis. Non-state forests include the forests of self-governing bodies, property communes and land communities, as well as all private forests (§§ 2–4). This two-part classification replaced the Habsburg tripartite structure, but in practice retained the same fundamental logic: urban forests owned by municipal bodies fell into the category of non-state forests without any special category for the urban context.

Paras. 6–7 prohibited the clearing and devastation of forests without special authorisation from the state authority, which would not grant such authorisation if it were contrary to the public interest, with “the protection of climatic and hygienic interests and the economic needs of a region, public safety, etc.” cited as examples of the public interest.³⁰ The formulation “climatic and hygienic interests” is the only one in the entire Law that could functionally encompass urban-ecological arguments, but without a special category of urban forestry.

The Law defines a new and analytically interesting category of protective forests, distinguishing between permanently protective and temporarily protective forests (par. 16). The Law of 1929 brought centralism and the unification of forest management, but did not introduce any provision that would treat urban forests or urban greenery as a special legal category distinct from rural or commercial forestry. The conceptual gap identified in the Habsburg framework was not filled, it was merely transferred into a new, more centralised legislative mould.

In parallel with forestry legislation, the municipal legislation of the interwar period continued to regulate urban green spaces through the municipal law track, inherited from the Habsburg framework. The Law on Urban Municipalities of 1934 confirmed municipal jurisdiction over parks and tree-lined avenues as parts of municipal property, but without any coordination with forestry regulations (par. 89).³¹ The key institutional consequence was that urban gardeners and municipal technicians remained the only professional actors responsible for urban greenery, while forestry experts remained exclusively competent for forests outside the urban cadastral area.

For urban forestry, the Banovina introduced nothing new: not a single regulation or act of the Department of Forestry introduced special categories for urban or

²⁹ § 1 of the Law on Forests, Official Gazette of the Kingdom of Yugoslavia, No. 307/1929, 301/1930.

³⁰ Balen, J.; Sagadin, S., *Zakon o šumama sa tumačem, uredbama i pravilnicima*, Zagreb, 1930, §§ 6–7; Medvedović, D., *op. cit.*, note 6, p. 83.

³¹ The Law on Urban Municipalities of 1934, Official Gazette of the Kingdom of Yugoslavia, No. 169/1934.

suburban forests, nor was any coordination established with the department responsible for urban municipalities. The institutional divide between the forestry and municipal tracks remained untouched. The entirety of the interwar period is characterised by a fact that divide between forest law and municipal law remains unaltered.

4. NORMATIVE REGULATION OF URBAN GREEN SPACES IN THE SOCIALIST PERIOD

The republican diversity of legislation and decentralisation in the self-management phase means that there is no single set of sources that applied to all of Yugoslavia, but rather legal regulations can be classified into two categories: those that were valid at the federal level and those that were valid at the republican level.³² However, the purpose of researching earlier legislation in this part of the research is not exhausted by the exemplary citation of legal regulations, but focuses on the analysis of normative patterns that are practically present despite the absence of a unified normative articulation of the concept of urban forestry.³³

a) Constitutional regulations and Forestry legislation on urban forested areas

Urban forestry as a separate normative category was not recognised in constitutional documents from earlier systems; however, the indirect regulation of certain matters such as the legal regime over forests, as well as the question of the initial ecologisation and the right of man to a healthy environment, undoubtedly contributed to their articulation in later constitutional documents, particularly in

³² More about the model of decentralization in socialist systems: Ostojić, M., *Yugoslav Self-Management as a Model of Participatory Municipal Governance? Local Communities in Belgrade in the 1980s*, in: Fiket, I.; Markov, Č.; Ilić, V.; Pudar Draško, G., (eds.), *Participatory Democratic Innovations in Southeast Europe*, Routledge, 2024, pp. 176- 178.

³³ The primary material consists of normative acts systematize according to level and subject area. The first group includes constitutional acts regulating ownership over forests and the first provisions on the right to a healthy environment. In the observed period, the following documents are relevant: Constitution of the Federal People's Republic of Yugoslavia, Official Gazette of the Federal People's Republic of Yugoslavia, No. 10, 1 February 1946, pp. 74–94; Constitution of the Socialist Federal Republic of Yugoslavia, Official Gazette of the Socialist Federal Republic of Yugoslavia, No. 14, 10 April 1963, pp. 261–292; Constitution of the Socialist Federal Republic of Yugoslavia, Official Gazette of the Socialist Federal Republic of Yugoslavia, No. 9, 21 February 1974, pp. 210–263. On forestry legislation: General Law on Forests, Official Gazette of the Federal People's Republic of Yugoslavia, No. 106/1947. More on this: Peleš, T., *Prelaz na plansku privredu (Osvrt na zakonske propise)*, Šumarski list, Vol. 71, No. 1–2, 1947, pp. 2–6. On the history of forestry legislation: Krpan, P. B. A., *Iz povijesti šumarstva*, available at: [<https://www.sumari.hr/250/mat/14309c.pdf>], Accessed 25 March 2026.

provisions on environmental protection, urban planning and urban forestry. The first Constitutional Act, the Constitution of the FPRY of 1946, addresses these matters in Articles 11–12, and 14–16.³⁴ The legal category was similarly regulated in the Constitution of the SFRY of 1963, where attention was paid to forests and, in this context, to urban forest parks, which were defined as goods of general interest, thereby creating a framework for their protection in urban planning, given that the social community regulates the use of space in the general interest.³⁵ A further step in defining problems that can indirectly be linked to urban forestry is represented by the provisions of the Constitution of the SFRY of 1974, which regulate the right to a healthy human environment and thereby lay more secure foundations for the development of environmental legislation.³⁶

The General Law on Forests of 1947 regulated certain matters such as forest management, the development of the forest fund, as well as the exploitation and renewal of forests, regardless of the ownership regime to which the forests actually belonged. Special regulation of forest parks and urban forests in the context of modern articulations was not present in the content of the regulations. Urban green spaces were not included in the content regulated by this regulation, but would later be mentioned within the framework of urban planning regulations.³⁷

Somewhat later, recognising the need to address issues in the context of forest management at the federal level, the Basic Law on Forests was adopted in 1963.³⁸ Forests were divided according to their purpose in the content of this regulation. The provisions in which one could find regulations that indirectly related to the concept of urban forests in the modern sense were only those that defined the purpose of forests. Forests could, according to their purpose, be commercial, protective and forests with a special purpose. While protective forests served primarily as protection of land, water flows, erosion areas, settlements, economic and other

³⁴ Constitution of the Federal People's Republic of Yugoslavia, Art. 11: "Land, forests, mines, waters and other natural wealth of general national significance are under the special protection of the state." Art. 16: "The state takes care of public health..." The status of forests was similarly defined in Arts. 12 and 13 of the Constitution of the Socialist Federal Republic of Yugoslavia of 1963 on the protection of natural resources.

³⁵ See Arts. 192–193 of the Constitution of the Socialist Federal Republic of Yugoslavia of 1963.

³⁶ See Arts. 84–87 of the Constitution of the Socialist Federal Republic of Yugoslavia of 1974.

³⁷ The Law defined in Art. 14 that certain forests could have a special purpose and accordingly be temporarily or permanently protected. Art. 14 of the General Law on Forests: "For the purpose of protecting economic, health and other interests or the interests of individuals, certain forests or their parts may be declared permanently protective or temporarily protective forests." Temporarily protective forests in the context of Art. 16 of the same regulation were those that protected objects outside their habitat.

³⁸ Komar, S., *Novi zakon o šumama*, Šumarski list, Vol. 85, No. 5–6, 1961, p. 169; Basic Law on Forests, Official Gazette of the Federal People's Republic of Yugoslavia, No. 16/1961; Law on Forests, Official Gazette No. 1/1962.

buildings and other property, forests with a special purpose were substantively defined in the same article of the regulation.³⁹ The Croatian Socialist Republic Parliament adopted a new Law on Forests in April 1977.⁴⁰ For the first time, the law in Article 2 defined the general beneficial functions of forests, listing the role of forests: "...in influencing the climate; in the protection and improvement of the human environment; in the creation of oxygen and purification of the atmosphere; in influencing the beauty of the landscape, in creating favourable conditions for treatment, recovery, rest and recreation." The content of this provision is crucial for creating a link between forestry and urban planning, given that forests are mentioned in the context of significant functions important for urban planning of cities. Protective in terms of planning urban infrastructure, climatic in terms of urban climate mitigation and ensuring favourable climatic conditions, environmental in terms of ensuring a healthy environment and the integration of nature into the city, and social in the context of providing forests for rest, recreation and treatment, which are close to the concept of forest parks and recreational forests even in today's legislation.⁴¹ Forests in the context of this regulation are no longer merely a natural resource, but part of the space that urban planning must take into account when planning and constructing cities.

From the foregoing, it follows that forests in the socialist period were regulated by a special legislative regime. Although they could be in different forms of ownership, all forests were declared goods of general interest and placed under state protection. However, despite the recognition of the general beneficial functions of forests, including health protection and recreation, they remained defined within the forestry system and regulated by separate legislation.

In comparison with the later forestry legislation that much more extensively regulated the special purpose of forests such as recreation or aesthetics, in the content of the earlier SFRY laws preceding 1980 the function of forests was predominantly economic and the regulations were largely exhausted in regulating management while neglecting other forest functions. The later Law on Forests that came into force in 1977 explicitly excluded urban parks from forest legislation, and from

³⁹ See Art. 3 of Law on Forests, Official Gazette No. 84/1949, 23/1956. Art. 5 of the Law on Forests of 1977. Forests with a special purpose are: 1. forests and parts of forests registered as objects for the production of forest seed; 2. forests that represent special rarities or beauties or are of special scientific or historical significance (national parks, reserves, etc.); 3. forests intended for scientific research, teaching, military needs of the Yugoslav People's Army and other needs of general national defense and needs established by special regulations; 4. forests intended for recreation.

⁴⁰ Law on Forests of the Socialist Republic of Croatia, Official Gazette No. 20/1977.

⁴¹ More on the role and functions of urban forestry in urban environment: Dramalija, D., *Obilježen dan urbanog šumastva u Hrvatskoj*, Šumarski list, 11- 12, XLIX, 2025, p. 584, [https://www.sumari.hr/sumlist/202511.pdf?utm_source=chatgpt.com,] Accessed 25 March 2026.

that moment the regulation of urban green spaces is contained mainly in urban planning and municipal regulations.⁴²

b) Urban green areas in urban planning and municipal regulations

The Basic Regulation on the General Urban Plan is the first post-war regulation by which an obligation of planned urban management was sought to be introduced, wherein "...green spaces, parks and buffer zones are integrated into the settlement structure as functional elements of health, recreation and spatial organisation, though without an explicit ecological or forestry concept."⁴³ The Regulation introduces the general urban plan (GUP), which represented, as Tandarić argues, a new planning instrument that remained in use through all future socialist and post-socialist planning legislation.⁴⁴ First and foremost, the Regulation defined the competence of the city administration in the context of drafting and adopting urban plans, subject to prior approval by the Ministry of Municipal Affairs.⁴⁵

At the level of the republics, efforts were subsequently made to develop urban planning legislation, while cities/municipalities were required to prepare and adopt spatial plans in order to normatively regulate urban planning matters. Therefore, from the 1950s, as Simmie argues, each Yugoslav republic had its own legislative framework for planning.⁴⁶

The Law on Spatial Planning and the Use of Construction Land of 1973 devoted one fifth of its articles, as Tandarić et al. argue, to the protection and improvement of the human environment.⁴⁷ However, many other environmental aspects such as

⁴² Art. 4 of the Law on Forests, Official Gazette No. 20/1977.

⁴³ Basic Regulation on the General Urban Plan, Official Gazette of the Federal People's Republic of Yugoslavia, No. 78/1949, pp. 1093–1094.

⁴⁴ Tandarić, N.; Watkins, C.; Ives, C. D., *Urban Planning in Croatia During the Socialist Regime*, Croatian Geographical Bulletin, Vol. 81, No. 2, 2019, p. 15.

⁴⁵ In 1955, key regulations were adopted introducing the communal system. General Law on the Organisation of Municipalities and Districts, Official Gazette of the Federal People's Republic of Yugoslavia, No. 26/1955. On the role of municipalities: Simmie, J. M., *Self-management and town planning in Yugoslavia*, The Town Planning Review, Vol. 60, No. 3, 1989, p. 272. On decentralisation: Pusić, E., *Hrvatska središnja državna uprava i usporedni upravni sustavi*, Školska knjiga, Zagreb, p. 172; Lozina, D.; Jagnjić, J., *Razvoj lokalne samouprave u Republici Hrvatskoj*, Zbornik radova Pravnog fakulteta u Splitu, Vol. 58, No. 2, 2021, p. 567.

⁴⁶ During the 1970s, several different types of land use plans were prepared, including: long-term 'social plans' dealing with infrastructure and demography; long-term 'spatial plans' for republics and groups of municipalities; long-term and medium-term 'urban plans' for urban areas; short-term 'location plans' for specific development projects; and 'urban order plans' for more rural settlements. Simmie, J. M., *op. cit.*, note 45, p. 276.

⁴⁷ Tandarić et al., *op. cit.*, note 44, p. 31.

the protection of natural resources and the use and maintenance of public spaces and private gardens were to be regulated by spatial urban plans. The Law considered urban green spaces to be important for protection from air pollution and noise pollution, and they had to be taken into account when arranging spatial plans and for the natural ventilation of cities.⁴⁸ The Law further stipulated that an urban planning project must contain a conceptual design of green, recreational, sports and other open spaces.⁴⁹ This indicated the planning, i.e. design, of urban greenery in parallel with buildings, transport and other infrastructure. Thus, urban greenery undeniably became an institutionalised element of urban planning. Somewhat later, the Law on Spatial Planning and the Arrangement of Space of 1980 devoted particular attention to urban greenery in the context of approaching this issue from the perspective of utility services. Specifically, alongside the regulation of roads, the energy system, water supply and lighting, urban greenery was also viewed as part of the utility system, no longer merely as a natural resource, but also as a technical category.⁵⁰ A detailed analysis of the provisions referring to the regulation of urban green spaces in the aforementioned legal regulation indicates the absence of comprehensive and developed regulation of urban forestry, while certain provisions relate to this issue exclusively indirectly and without the necessary normative precision.

General urban plans of the 1970s define green spaces as an integral part of the spatial structure of settlements and functionally determine them as spaces for rest, recreation and improvement of living conditions for the population. A systematic organisation through a continuous system of greenery is also introduced, including parks, forest parks and protective greenery.⁵¹ Urban greenery thus becomes a clearly defined category of urban planning, separate from forests which remain under the jurisdiction of forestry legislation. The Urban Plan of Zagreb is used as a case study within the SR of Croatia, while the inclusion of other urban plans from socialist states is foregone, as the selected example sufficiently illustrates the relevant normative and planning patterns for the purposes of this research.

Thus, the Urban Planning Programme of the City of Zagreb of 1965 envisaged several categories of green spaces that were to be represented in the arrangement of

⁴⁸ Art. 70 of the Law on Spatial Planning and the Use of Construction Land; Tandarić *et al.*, *op. cit.*, note 44, p. 31.

⁴⁹ Art. 28 of the Law on Spatial Planning and the Use of Construction Land.

⁵⁰ Art. 63 of the Law on Spatial Planning and the Arrangement of Space, Official Gazette No. 54/1980, 16/1986, 18/1989, 47/1989.

⁵¹ The 1971 General Urban Plan of Zagreb was not directly available, so some of its provisions were analyzed through relevant secondary literature, which confirms the establishment of a systematically organized and continuous system of urban greenery, including parks, park forests, and protective greenery. See more: Bencetić, L.; Jurić, Z., *Urbanistički program grada Zagreba iz 1965.: nastanak, planiranje i realiziranje*, Časopis za suvremenu povijest, Vol. 53, No. 3, 2021, pp. 1240–1241.

the city: public urban greenery, greenery of a protective type, and forests and buffer zones.⁵² The Urban Plan envisaged that: "...from the southern slopes of Medvednica, wedge-like belts of greenery would continuously run through the urban fabric and industrial zones and connect with existing green spaces in the city."⁵³ Somewhat later, the General Urban Plan of Zagreb of 1971 defines green spaces as a system of interconnected spaces that ensure the ecological balance and spatial organisation of the city, including public parks, forest parks, protective greenery and forest-recreational complexes.⁵⁴ The Plan also introduces quantitative standards for the proportion of green spaces (55–60%), whereby urban greenery becomes a clearly defined and standardised category of urban planning.⁵⁵

The same regulation envisaged three different categories of urban green spaces. Public green spaces included parks of larger residential units, botanical and zoological gardens, amusement parks and public gardens, as well as wooded parks and meadows. There were also green spaces of limited use near schools and kindergartens, community halls and other public buildings. Finally, greenery with special functions included buffer zones around industrial and transport zones, blue spaces, protective green spaces and cemetery greenery.⁵⁶ This general plan, according to Zrnić, promoted the concept of the active role of greenery in urban recreation, health, biodiversity and economic balance.⁵⁷ A further step in the regulation of urban greenery is brought about by the General Urban Plan of Zagreb of 1986. During the adoption of the Plan, the earlier concept of 1971 was criticised, according to which green spaces were not treated as "designed spaces" but as remnants of land between residential buildings.⁵⁸ This plan protected wooded parks, groups of trees, groups of greenery, and in some places even individual trees. By this plan, spaces were divided into two fundamental categories: those designated for construction and those not designated for construction. The second category included greenery with various purposes: parks, forests, landscape and protective greenery, sports and recreational spaces, and cemeteries.⁵⁹ While the earlier urban

⁵² *Ibid.*

⁵³ *Ibid.*, p. 1240.

⁵⁴ *Ibid.*

⁵⁵ *Ibid.*

⁵⁶ Furthermore, every residential settlement had to provide a park space of at least five square metres per inhabitant at a planned distance from the residential zone, intended for short stays and relaxation. Gulin Zrnić, V., *Green space in socialist and post-socialist Zagreb*, in: Clark, P.; Niemi, M.; Nolin, C. (eds.), *Green Landscapes in the European City 1750–2010*, Routledge, 2017, p. 109.

⁵⁷ *Ibid.*, p. 110; Franković, E., *Urbanističko planiranje Zagreba od 1945. do 1985.*, Radovi Instituta za povijest umjetnosti, Vol. 9, 1985, pp. 85–87.

⁵⁸ Gulin Zrnić, V., *op. cit.*, note 56, p. 111.

⁵⁹ *Ibid.*

plan sought to protect existing greenery and increase it within the urban space, the later document divided all urban areas typologically into built and unbuilt surfaces, thereby completely paradigmatically changing the concept of urban planning.⁶⁰

Municipal regulations also contained provisions on the protection and maintenance of urban greenery, but as will be shown below, these provisions were fragmentary, more oriented towards maintaining municipal order with individual provisions of a repressive nature — in case of violations of municipal order. In accordance with the analysis of individual provisions, urban forestry in this context was nonetheless not regulated as a normatively and legally separate category. The Law on Utility Services of 1978 defined the arrangement and maintenance of parks, green spaces and children's playgrounds as a separate utility service, thereby formally incorporating greenery into the system of management of city, i.e. municipal, affairs.⁶¹ Nevertheless, the limited scope of the approach of the time can be noted, as urban forestry was not recognised as a separate area, but remained reduced to a segment of municipal maintenance without an expressed planning and ecological dimension.

The Forestry Act was enacted in 1983 and remained in force during the SFRY period. It was published with corrections in Official Gazette No. 5/84, and was subsequently amended and supplemented in No. 32/87, 47/89 and 41/90. The consolidated text was established on 4 December 1990. This legislation regulated the classification of forests into commercial forests, protective forests, and forests with a special purpose. Item 4 expressly provided for "*forests intended for rest and recreation*". This represents the first legal basis relevant to urban and peri-urban forestry in Croatian legislation.⁶²

⁶⁰ *Ibid.*, p. 113.

⁶¹ Law on Utility Services, Official Gazette No. 15/1979, Art. 2, Item 9.

⁶² Forest Act, Official Gazette, No. 54/1983, 32/1987, 47/1989, 41/1990. See Art. 5, item 4. In the absence of available municipal orders from the socialist period, the paper uses the later normative example of the Municipal Order of Osijek exclusively for illustrative purposes, in order to indicate continuity in the approach to defining and managing public green spaces. In comparison with communal order decisions from the later period, an identical approach can be noted where it is clear that green spaces in today's regulations are considered a heterogeneous set of elements managed at the local level and in accordance with communal practice, most often expressed in decisions of the competent management bodies. Decision on Municipal Order, Official Gazette of the City of Osijek, Year IV, No. 5, Art. 2; Arts. 70–82. The mentioned municipal order is used exclusively as an illustrative example of the normative approach to defining and managing public green spaces in the post-socialist period, and does not necessarily represent a representative model. See later: Decision on Municipal Order, Official Gazette of the City of Osijek, No. 10, 10 July 2023, Art. 3, 101–111.

5. ADMINISTRATIVE-LEGAL ISSUES OF THE LEGAL REGULATION OF URBAN FORESTRY IN THE REPUBLIC OF CROATIA

5.1. Brief historical overview of the legal framework for urban forestry from 1991 to 2018

Disintegration of SFRY in 1991/1992. led to radical changes not only in the political and legal context, but also in the area of the normative framework when it comes to urban forestry. These changes were mainly manifested in the transformation of the normative framework and the adoption of own regulations that regulated forestry, spatial planning, nature protection and later environmental protection. However, except in the context of the property-legal regime, institutional structure and competence of relevant bodies at the local level, there has been almost no substantial transformation of legal regulations. In the following, an attempt will be made to briefly reconstruct the legal framework that regulated urban green areas after the dissolution of the SFRY, but without citing all the legal regulations as examples, which would exceed the scope of the work. Attention will be paid exclusively to those that indicate the real purpose and practical application of the basic determinants of the concept of urban forestry.

Significant changes and reorganization of forestry and forest management occurred in 1990.⁶³ The transition of social forests to state forests was carried out. This was the basis for the establishment of a public enterprise for the management of state-owned forests and forest land - Croatian Forests - in 1991.⁶⁴ The most important law for this area since independence is the consolidated text of the Forest Act, adopted on December 4, 1990.⁶⁵ Art. 4 of the Forest Act contains a definition of forest and forest land. It is important to note that it explicitly excludes "*separate groups of forest trees up to 10 ares in area, forest nurseries, windbreaks, belts, tree-lined avenues or parks in populated areas*" from the concept of forest. This legally excludes a large part of urban green infrastructure from the regime of this law. Within the aforementioned legal framework, due to different purposes, economic, protective and special-purpose forests were distinguished.⁶⁶ Art. 5 para. 4 p. 4 of the Forest Act explicitly states that special-purpose forests are also "*forests intended for rest and recreation*". The aforementioned forest types were declared by the municipal assembly, at the proposal of interested legal entities or on its own initiative. This is

⁶³ Official Gazette, No. 52/1990. With numerous changes Official Gazette, No. 5/1991, 9/1991, 61/1991, 26/1993, 76/1993, 29/1994, 76/1999.

⁶⁴ Art. 18 of the Forest Act from 1990.

⁶⁵ Official Gazette No. 52/1990 (hereinafter: FA from 1990).

⁶⁶ Art. 5 para. 1 of the FA from 1990.

the first legal basis relevant to urban and suburban forestry in Croatian legislation. Also worth mentioning is the first Nature Protection Act (hereinafter: NPA), after independence, from 1994.⁶⁷ It introduces the forest park as a category of protected area based on nature protection regulations. Art. 8 of that Act defines a park forest as “*a natural or planted forest, of greater landscape value, intended for rest and recreation.*” Interventions in it were only permitted for maintenance or renovation.

In the period from 2000 to 2005 the Forest Act underwent several amendments and supplements.⁶⁸ The 2001 amendments were important, primarily, in the context of setting legal conditions for the transformation of a public company into a commercial company and establishing sustainable management in changed social, economic and political circumstances. This legal framework brought significant innovations in terms of harmonization with European standards, the introduction of sustainable management, the separation of responsibilities, and the definition of the rights and obligations of state bodies, the company responsible for forest management (Croatian Forests Ltd.) and private forest owners. After a long period, the (new) Forest Act was adopted in 2005,⁶⁹ with numerous amendments (from 2006 to 2014).⁷⁰ The legislator created a comprehensive and highly protective normative framework with the Forest Act of 2005, taking into account European forestry standards and a high level of regulation of forest conservation has been achieved. The previously highlighted definitions of terms were significantly expanded, in accordance with the amendments from 2014. Special purpose forests have a strictly defined role that excludes primary commercial exploitation. In addition to economic and protective forests, the category of “special purpose forests” includes, among other things, forests intended for scientific research, teaching, defence needs, and other needs determined by special regulations. They were declared by the decision of the competent ministry, while the management of forests in specially protected areas (including park-forests) was carried out on the basis of forest management plans. The management of special-purpose forests is subject to

⁶⁷ Official Gazette, No. 30/1994, with changes Official Gazette, No. 72/1994. See also Art. 3 para 1. of the Act. It states, among other things, that the forest park is a part of nature of interest to the Republic of Croatia and enjoys its special protection. The declaration of a forest park is carried out by the County Assembly or the City Assembly of the City of Zagreb with the prior consent of the Ministry (Art. 13. of the Act).

⁶⁸ Official Gazette No. 8/2000, 13/2002, 100/2004, 160/2004.

⁶⁹ Official Gazette, No. 140/2005.

⁷⁰ Official Gazette, No. 82/2006, 129/2008, 80/2010, 124/2010, 25/2012, 68/2012, 148/2013, 94/2014. In 2010, the legislator, among other things, deleted the provisions on the Forestry Advisory Service, and transferred its tasks and powers to Croatian Forests. See Medvedović, D. *op. cit.*, note 6, p. 107.

special planning regimes.⁷¹ Stricter measures for the conservation, protection and use of forests are introduced, it prescribes the preparation of forest management plans, and it emphasizes the importance of management while respecting the principles of sustainable development and the preservation of biological diversity.

The 2013 NPA,⁷² replaced the previous law from 2005.⁷³ The difference in the definition of a forest park between the 2005 and 2013 NPAs is that 2005 places emphasis on “*landscape value*” (Art. 17), while 2013 places emphasis on “*biodiversity and/or landscape value*” (Art. 119). The purpose of a forest park remains the same. It is only noticeable that the 2005 ZZP allows “only those interventions and actions whose purpose is its maintenance or development”, while 2013 allows those that “do not impair the characteristics for which it was declared”. In 2013, a forest park was defined as one of nine national categories of protected areas (of local significance).⁷⁴

The 2014 legislative framework significantly detailed the forestry planning system, which was based on hierarchically set strategic documents. The key instrument for operational implementation were forest management plans, which represented the basic documents of the spatial and biological organization of forests. Very strict rules have been established regarding the maintenance and enhancement of biological and landscape diversity, which all managers (including those in park forests) must adhere to. An Advisory Service has been introduced and they allocate forests and/or forest land owned by the Republic of Croatia from the forest management area. Based on the presented analysis, it is clear that in the period from 2005 to 2014, the Republic of Croatia built a complex, layered and very restrictive legislative framework for special-purpose forests. This framework was based on the absolute priority of preserving biological and landscape diversity and protecting the ecosystem in relation to commercial and economic exploitation of timber. The declaration of special-purpose forests entailed the mandatory development of specific forest management plans and protection programs, the denial of the possibility of establishing easements for commercial and tourist activities, and strict supervision by the state inspection. Special attention in the legal solutions was devoted to the co-decision-making of several departments (forestry and nature protection), which contributed to ensuring the legal and institutional integrity of the

⁷¹ See also Belaj, V. *Posebno stvarnopravno uređenje za šume i šumska zemljišta*, u: Gavella N. (ed.), *Stvarno pravo-posebna pravna uređenja*, Narodne novine, Zagreb, 2011, pp. 162-166.

⁷² Official Gazette, No. 80/2013. Amended (2018 to 2023).

⁷³ Official Gazette, No. 70/2005.

⁷⁴ Art. 111. of the NPA from 2013.

forest ecosystem. All interventions in such an area are strictly limited to biological restoration, sanitary protection and maintenance of general beneficial functions.

Urban forests represent an extremely important segment of spatial planning and quality of life in populated areas. Their regulation has undergone significant changes, culminating in legislative solutions adopted by 2018. The term “urban forestry” and “urban forest” as a legal term in Croatian legislation first appears in Forest Act from 2018.⁷⁵ Urban forests are recognized as special purpose forests whose primary role is to improve the quality of life in urban areas by providing space for rest and recreation. The legislator explicitly prescribes what is not considered a forest, which is crucial for distinguishing urban forests from communal green spaces. Urban forests have emerged as a specific legal category that requires an interdisciplinary approach, since they are at the intersection of the interests of forest conservation, the needs of urban development, municipal planning and environmental protection. Before that, the legislation did not know the term, but certain elements (park forests, forests with special purposes for rest and recreation, forests around settlements) were legally regulated by other instruments. The review of the legal system indicates the evolutionary path and major changes in this area, with a special emphasis on 1991, marked by transition, the establishment of a new ownership legal system, and the period of harmonization of legislation with EU regulations. It focuses on different reflections on the importance of green urban areas in order to preserve biodiversity, protect the environment and nature, and to better appreciate their role in achieving the aforementioned. From the presentation of normative development, it is also observed that one of the most important legal challenges is the dispersion of relevant provisions through various legal and by-laws, given that the management of green areas touches on regulations from several administrative areas and includes the responsibility of several administrative bodies.

5.2. Legal regulation of urban forests and green infrastructure in the Republic of Croatia from 2018

The legal regulation of urban forestry and green space management in the Republic of Croatia (hereinafter: the RC) represents a complex system of regulations that has developed over time. Before these comprehensive changes, these areas were regulated in several different laws and bylaws, which unfortunately is still the case today, but more precisely and more developed. The subject analysis encompasses a complex legal framework that extends across regulations in the fields of forestry, nature protection, spatial planning and municipal management. Urban for-

⁷⁵ Official Gazette No. 68/2018. Urban forestry is being introduced as a specific branch.

ests, which represent a specific category at the intersection of urban development and natural resource protection, require a systematic interpretation of relevant legal provisions. The legal sources we cite primarily relate to the current legislative framework and legal regulation, which indicates significant reform developments in this area compared to the historical development. An additional impact was achieved due to harmonisation with modern European and global trends in urban planning and environmental protection.

The National Development Strategy of the RC until 2030⁷⁶ points to the issue of the impact of climate change on the environment and sustainable use of resources, but also to growing urbanization and the importance of preserving the quality of life. Within the development direction entitled “Green and Digital Transition”, in the context of the area presented and analysed in this paper, we highlight the ecological and energy transition for climate neutrality (protection of natural resources and the fight against climate change). It emphasizes the need to implement public policies aimed at preserving biodiversity and increasing natural capital, spatial resources, in order to reduce environmental risks and increase resistance to climate change. The importance of green infrastructure development in urban areas and the creation of green cities is also observed.

Urban forestry, as a specific segment of forestry, is gaining increasing importance in the context of sustainable development and urban planning. Newer regulations, especially those that entered into force in 2024 and 2026, bring significant innovations and increase the focus on green infrastructure, biodiversity conservation in urban ecosystems, and resilience to climate change. The obligation to plan green infrastructure in urban areas is emphasized, with the aim of preserving existing and increasing new green areas. The introduction of the concept of “urban forests” as a special purpose and the detailed regulation of the process of their declaration and management, as well as the obligation to plan green infrastructure in spatial plans, represent a modern approach that is the result of the evolution of legislation from 1990 to the present.

The preservation of nature and human environment are an integral part of constitutional values.⁷⁷ Every person has the right to live in a clean and healthy environment,⁷⁸ but also to take care of the protection and improvement of nature

⁷⁶ National Development Strategy of the Republic of Croatia until 2030, Official Gazette No. 13/2021.

⁷⁷ See Art. 3 of the Constitution of the Republic of Croatia, Official Gazette No. 55/1990, 135/1997, 8/1998, 113/2000, 124/2000, 28/2001, 41/2001, 55/2001, 76/2010, 85/2010, 05/2014 (hereinafter: Constitution).

⁷⁸ Art. 70 pairs. 1 of the Constitution stipulates the obligation of the state to ensure conditions for a healthy environment, not an explicit right to a healthy environment. In more detail see Staničić, F.,

and the environment.⁷⁹ Forests, flora and fauna and parts of nature are legally designated as goods of interest to the RC and enjoy its special, special protection.⁸⁰ Therefore, the basic law should be mentioned first when we talk about forests and the legal regulation of urban forestry in the RC. Urban forests and urban forestry were first introduced and defined by the Forest Act of 2018.⁸¹ According to Art. 22 para 5 of the Forest Act, urban forests fall under special purpose forests and are defined as forests and forest lands determined by spatial plans within or adjacent to the construction area of the settlement.⁸² Declaring urban forests as special purpose forests is a key step in their protection and management. Art. 33 para 4 of the Forest Act stipulates that the Ministry of Agriculture, Forestry and Fisheries⁸³ declares urban forests at the request of interested bodies.⁸⁴ Additionally, Art. 34 of the Forest Act allows the proclamation of an urban forest within the scope of campsites, golf courses and other sports and recreational areas at the request of interested bodies, in accordance with spatial plans. In both cases, administrative-judicial protection against the decision on proclamation is achieved through a lawsuit before the competent administrative court. Forest and forest land owned by the RC are primarily managed by the public forest owner, Croatian Forests Ltd. However, urban forests owned by the RC, except for specific exceptions, may be managed by a legal entity based on a government decision.⁸⁵ This exception allows for more flexible management of urban forests at the local level, subject to legally prescribed conditions.

Within the general-purpose functions of forests, we highlight those that are closely related to the area of urban forests and green spaces, as will be shown in the

Croatia: Constitutional Protection of the Right to a Healthy Life – Do We Need More in Order to Safeguard the Environment and Future Generations?, in: Szilágyi, János E. (ed.), *Constitutional Protection of the Environment and Future Generations Legislation and Practice in Certain Central European Countries*, CEA publishing, Miskolc-Budapest, 2022, pp. 127-160. Changes in the constitutional interpretation of the right to a healthy life and environment after the Constitutional Court's decision from 2023 see more Ofak, L., *The Right to a Healthy Environment in the Light of the New Case Law of the Croatian Constitutional Court*, *Journal of Agricultural and Environmental Law*, Vol. 20, No. 38, 2025, pp. 354-355, 360-361.

⁷⁹ Article 70 of the Constitution.

⁸⁰ Art. 52 pairs. 1 of the Constitution. See also Art. 2 para 1 of the Forest Act, Official Gazette No. 68/2018, 115/2018, 98/2019, 32/2020, 145/2020, 101/2023, 36/2024 (hereinafter: FA).

⁸¹ Official Gazette No. 68/2018.

⁸² Art. 22 para. 10 of the FA.

⁸³ See Art. 16 of the Act on the Organization and Scope of Work of State Administration Bodies, Official Gazette No. 85/2020, 21/2023, 57/2024.

⁸⁴ They apply to state administration bodies, local self-government units and legal entities founded by the RC, with the prior opinion of the public forest owner, when it comes to forests and forest land owned by the RC.

⁸⁵ Art. 16 para. 3 of the FA.

European perspective in the following paper. These are, first of all, those functions that relate to the importance and impact of forests on the climate and mitigation of the consequences of climate change, protection and improvement of the human environment, recreational and health functions, oxygen production and carbon sinks, and the impact on the water regime and biodiversity.⁸⁶ A modern legal approach must also take into account the fact that green urban areas are no longer just an aesthetic element, but a necessary infrastructure for adapting to climate change. Legal regulations sometimes lag behind the need to integrate nature-based solutions into the urban matrix. There is a need to redefine the legal status of “green infrastructure” so that it receives the same level of legal protection and priority. The current situation indicates that the concept of “green infrastructure” is not treated as a single, priority legal category. Its protection is implemented in a fragmented manner through various institutes of spatial planning, construction, municipal management, environmental and nature protection. Such a fragmented approach leads to legal uncertainty, arbitrary interpretations in the procedures for adopting spatial plans and, ultimately, to the degradation and conversion of green areas for commercial purposes. Therefore, it is necessary to systematically redefine this legal institute. The current legislative framework recognizes the importance of green infrastructure, but does not provide it with adequate operational protection. Consider adopting an Urban Forestry and Green Infrastructure Act to regulate all necessary issues in one place and reduce or avoid fragmentation in a series of different laws regulating this area.

The performance of communal activities, urban and spatial planning and development, as well as the protection and improvement of the environment, belongs to the self-governing scope of local self-government units (big cities also and some of them to counties).⁸⁷ The Act on Communal Economy⁸⁸ (hereinafter: ACE) provides a framework for the maintenance of public areas, including green elements within urban spaces. It clearly defines public green areas as part of the communal infrastructure and prescribes their maintenance as a communal activity. According to Art. 22 para. 1 p. 4 of the ACE, the maintenance of public green areas⁸⁹ is expressly stated as one of the communal activities that ensure the maintenance of communal infrastructure. This provision emphasizes the importance of green areas for the functioning of the settlement and classifies their maintenance in the

⁸⁶ Art. 4 para. 1 of the FA.

⁸⁷ See Art. 129. and para. 1 of the Constitution and Art. 19-20 of the Act on local and regional self-government, Official Gazette No. 33/2001, 60/2001, 106/2003, 129/2005, 109/2007, 125/2008, 36/2009, 150/2011, 144/2012, 19/2013, 137/2015, 123/2017, 98/2019, 144/2020.

⁸⁸ Official Gazette No. 68/2018, 110/2018, 32/2020, 145/2024 (hereinafter: ACE).

⁸⁹ Art. 23 paragraph 4. of the ACE defines the concept of public green areas.

domain of communal services. Art. 59 pairs. 1 point 5. of the ACE (located in the part related to communal infrastructure), explicitly states “public green areas” as an integral part of communal infrastructure. This classification is crucial because it determines the legal status of these areas and implies that they are of public interest and that they are managed in the manner prescribed for communal infrastructure.

The establishment and maintenance of communal order is also prescribed through the decision on municipal order, which is passed by the representative body of the local self-government unit. Pursuant to Art. 104 paragraph 1 of the ACE, the decision prescribes, among other things, the manner of arrangement and use, maintenance of cleanliness and preservation of public areas. Although “maintenance of green areas” is not explicitly stated in this context, the arrangement of settlements and the use of public areas necessarily includes the care of greenery, which is elaborated in more detail through local regulations adopted on the basis of this provision. According to the decisions on the communal order, public green areas, which are organized in accordance with spatial plans, landscape and horticultural planning projects, and others, also belong to the areas of public use. Decision making on mandatory planting of certain types of trees on these areas is determined and what is considered maintenance of public green areas is prescribed. It also prescribes what is prohibited for the purpose of protecting these areas. First of all, there are the competent administrative bodies of cities and counties responsible for the affairs of the municipal economy. The management of the tree maintenance system is being organized. It should be noted that the maintenance of green areas is also determined through decisions on the performance of communal services by local government units.⁹⁰

Urban forests and forest lands are an integral part of spatial planning. The development of green spaces in urban areas is closely related to the concept of urban forestry, but encompasses a wider range of public and private green spaces. Recent regulations from 2025, which entered into force on 1 January 2026, in particular the Spatial Planning Act (hereinafter: PPA)⁹¹ and the Energy Efficiency in Buildings Act (hereinafter: AEEB),⁹² place a strong emphasis on the development of green infrastructure and the preservation of existing green spaces.

Some of the numerous prescribed spatial planning objectives relate to the quality development of urban and rural settlements and green infrastructure, as well

⁹⁰ For example, see Decision on municipal order, Official Gazette of the City of Osijek No. 10 from 10 July 2023, Decision on performing communal activities, Official Gazette of the City of Osijek No. 8 from 6 July 2023.

⁹¹ Physical Planning Act, Official Gazette No. 155/2025 (hereinafter: PPA).

⁹² Act on Energy Efficiency in Buildings, Official Gazette No. 155/2025 (hereinafter: AEEB).

as the rational use of natural resources, nature conservation and environmental protection, spatial sustainability and strengthening of resilience. They also place emphasis on the protection, preservation and development of space as a limited natural resource of national interest, all in accordance with environmental principles and principles. The development of green infrastructure is encouraged while respecting the urban and natural landscape. The principle of spatial conservation and nature restoration⁹³ emphasizes that the space of the RC, as a non-renewable resource, must be protected from all inappropriate human activities that devastate spatial, landscape, cultural and natural values. Space must be planned with such planning solutions that ensure that urban ecosystems do not lose urban green areas and cover cities with tree crowns, and that ensure an increase in the area of urban ecosystems throughout the RC. Planning solutions ensure the preservation and recovery of biodiversity, the restoration and strengthening of ecosystem resilience, and the strengthening of spatial resilience to the impacts of climate change.

The PPA touches on urban greenery, but from the aspect of planning and protection. Urban forests and green areas are an integral part of spatial plans, with clear restrictions on construction and an emphasis on preservation. It introduces the concept of green infrastructure in urban areas.⁹⁴ It determines that for urban entities in spatial plans, it is necessary to plan green infrastructure in urban areas, in accordance with the Program for the Development of Green Infrastructure in Urban Areas. It emphasizes the importance of preserving and protecting existing public and protective green and absorbent areas, from new construction or conversion. This is a key protective provision that ensures the survival and continuity of urban greenery. Also, these provisions of the PPA provide a framework for planning and protecting urban greenery, complementing the provisions of the ACE on maintenance. However, in order to further protect green urban infrastructure, perhaps future legislative amendments should consider about Art. 47 para. 2 of the PPA. The current formulation according to which existing green areas “need to be preserved to the maximum extent” should be replaced with a strict legal norm that prohibits conversion, except in exceptional cases of determining the prevailing public interest in accordance with a special law, with the obligation to ensure replacement green infrastructure of equal or greater area and ecological value within the same urban entity. This may prevent local governments from easily changing the purpose of green areas for commercial purposes.

⁹³ Art. 12 of the PPA.

⁹⁴ Art. 47 of the PPA.

Finally, it is worth mentioning the Roads Act (hereinafter: RA).⁹⁵ It defines road maintenance obligations, but with special exemptions for green areas within settlements. It is important to distinguish public roads from unclassified roads in the context of green area maintenance. The general provisions on public road maintenance do not specify the maintenance of green areas as part of the regular maintenance of public roads within settlements. The key provisions related to the maintenance of green areas within the settlement are found in Art. 27 of the RA. This provision is of utmost importance because it clearly transfers responsibility for the maintenance of green areas, tree lines, and independent ornamental shrubs within settlements from public road managers to other entities, most often local government units through utility services. Article 100 of the RA defines parts of an unclassified road and expressly includes “green areas” as part of the road structure and the associated land. This provision clearly implies that green areas are an integral part of unclassified roads. The local government unit is directly responsible for the maintenance of green areas that are part of unclassified roads. There is a clear demarcation of responsibility, in such a way that public road managers (e.g. Croatian Roads Ltd., Croatian Motorways Ltd.) do not maintain green areas, tree-lined streets and independent ornamental shrubs within settlements. Their primary responsibility is to ensure traffic safety, which includes the removal of vegetation that endangers visibility on the road. Consistency in the legislation confirms the established practice that the maintenance of urban greenery in populated areas is not the primary obligation of public road managers. Ultimately, the responsibility for the maintenance of urban greenery primarily lies with local government units, either directly as part of municipal infrastructure or as part of unclassified roads.

In conclusion, the normative analysis of the presented administrative-legal issues in the field of urban forestry, taking into account the obligations of entities in maintaining urban greenery, encompasses complex legal relations arising from the management of urban forests and green areas. It encompasses a wide range of responsibilities, primarily focused on maintaining safety, protecting property and properly performing utility services. A certain fragmentation is observed (certain legal gaps, ambiguities and inconsistencies), which is manifested in a wide range of different legal sources relating to forests, green areas, municipal economy, roads, nature and environmental protection, spatial planning and urban planning, and others. Consider adopting the Law on Urban Forestry and Green Infrastructure in order to prescribe all necessary issues in one place and reduce or avoid fragmentation in a series of different laws regulating this area.

⁹⁵ Roads Act, Official Gazette No. 84/2011, 18/2013, 22/2013, 54/2013, 148/2013, 92/2014, 110/2019, 144/2021, 114/2022, 114/2022, 4/2023, 133/2023, 156/2025.

6. EUROPEAN GREEN VIEWS ON URBAN ISSUES - THE IMPACT OF CLIMATE CHANGE ON URBAN GREENING AND URBAN FORESTRY FOR THE PURPOSE OF CONSERVING AND PROTECTING BIODIVERSITY

The achievement of a high level⁹⁶ of protection and the objectives of sustainable development,⁹⁷ the protection and improvement of the quality of the environment, human health are promoted by setting requirements for environmental protection through implementing policies, activities and measures to be taken for this purpose.⁹⁸ The EU expresses its climate ambition and intention to invest, through its role, in finding measures and solutions and setting environmental standards related to the conservation of biodiversity, the fight against climate change and the mitigation of its consequences. It has particularly emphasized this through its accession to the UN Convention on Biological Diversity from 1992⁹⁹ and the Paris Agreement from 2015.¹⁰⁰ Likewise, the European Green Deal (hereinafter: EGD)¹⁰¹ from 2019, stands out as one of the key political European initiatives aimed at the green transition. It expresses concern for forests and forest ecosystems due to increasing pollution and destruction, precisely under the increasing pressures of climate change and human activities. In addition to the numerous areas of action highlighted through the EGD, in which sustainable development policies at the EU level should be directed, we particularly focus here on the protection and restoration of ecosystems and biological biodiversity, which include forest ecosystems, urban forests, green spaces. It is being considered in the direc-

⁹⁶ The fundamental principles of environmental protection issues at the EU level are based on the shared competence of the EU and the Member States See Art. 4 para 2 of the Treaty on the Functioning of the EU, 2016/C 202/1, available at:

[<https://eur-lex.europa.eu/legal-content/HR/TXT/?uri=OJ:C:2016:202:TOC>], Accessed 2 April 2026.

⁹⁷ Environmental protection is one of the important and priority areas at the EU level, and therefore proclaimed through Art. 37 of the EU Charter of Fundamental Rights, available at:

[<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:12012P/TXT&from=EN>], Accessed 2 April 2026.

⁹⁸ Art. 191-193 of the Treaty on the Functioning of the EU.

⁹⁹ Council Decision of 25 October 1993 concerning the conclusion of the Convention on Biological Diversity (93/626/EEC) [1993] OJ L 309, available at:

[<https://eur-lex.europa.eu/eli/dec/1993/626/oj>], Accessed 2 April 2026.

¹⁰⁰ Council Decision of 5 October 2016 on the conclusion, on behalf of the European Union, of the Paris Agreement adopted under the United Nations Framework Convention on Climate Change (2016/1841) [2016] OJ L 282, Available at:

[<https://eur-lex.europa.eu/eli/dec/2016/1841/oj>], Accessed 2 April 2026,

[<https://www.consilium.europa.eu/hr/policies/paris-agreement-climate/>], Accessed 2 April 2026.

¹⁰¹ COM (2019) 640 final, Available at:

[<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52019DC0640>], Accessed 2 April 2026 (hereinafter: EGD).

tion of qualitative and quantitative improvement of European forest areas through sustainable and reforestation, all with the aim of strengthening and increasing resilience and the bio economy. The EGD announces the adoption of an EU Forest Strategy based on the EU Biodiversity Strategy, through which a strategic framework for the further development, conservation, and improvement of forest ecosystems would be set and elaborated. Urban forests and green infrastructure are becoming a key part of European regulation, primarily through the EGD and the EU Biodiversity Strategy to 2030. Within the EGD activities, which relate to the preservation and restoration of ecosystems and biodiversity, the adoption of a Regulation on land use, forestry and agriculture is proposed, as one of the numerous climate policy objectives by 2030 and the achievement of the EGD. The increasingly frequent negative effects and consequences of climate change have required stronger action at the EU level, so in response to the above-mentioned worrying situation, with the aim of achieving climate neutrality, the European Climate Law was adopted in 2021.¹⁰² Despite numerous initiatives, measures, directives, strategies, regulatory frameworks, the European Environment Agency, in its 2025 environmental reporting,¹⁰³ expresses concern about the state of the environment and biodiversity.

One of the areas that is often highlighted and that is particularly threatened by the negative consequences of climate change is forests and urban forests. Therefore, changes in the way they are managed (integrated, coordinated and sustainable management) and the strengthening of green infrastructures are considered necessary, all with the aim of preserving and protecting biodiversity, protecting the environment and the health of people, plants and animals. Green areas and urban forests in city and urban centres are particularly “vulnerable” and susceptible to the influence of various factors, such as increasingly frequent weather conditions, heat waves and extreme heat, floods, air pollution, noise, and others. They have demonstrated their social and environmental function even during the pandemic. These are areas that, due to their specificities and characteristics, but also the role and functionality, contribute to numerous benefits, and above all, to improving the quality of life, preserving biodiversity, protecting the environment and nature, and sustainability in general.

¹⁰² Regulation 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 (‘European Climate Law’), [2021] OJ L 243, Available at: [\[https://eur-lex.europa.eu/eli/reg/2021/1119/oj?eliuri=eli%3Areg%3A2021%3A1119%3Aoj&locale=en\]](https://eur-lex.europa.eu/eli/reg/2021/1119/oj?eliuri=eli%3Areg%3A2021%3A1119%3Aoj&locale=en), Accessed 2 April 2026.

¹⁰³ See more: [\[https://www.eea.europa.eu/en/europe-environment-2025/thematic-briefings/biodiversity-and-ecosystems/state-of-europes-biodiversity\]](https://www.eea.europa.eu/en/europe-environment-2025/thematic-briefings/biodiversity-and-ecosystems/state-of-europes-biodiversity), Accessed 3 April 2026.

In the following, we point out the problems of urban areas in the context of the impact of climate change on urban greening and urban forestry, which the EU continuously points out and invests efforts to try to contribute to their preservation and protection through appropriate mechanisms. The EU is persistent in finding ways to protect, restore and improve the quality of European forests and the expansion of green areas, in order to increase their resistance to greater and stronger environmental impacts caused by climate change. EU policy goals to achieve climate neutrality and create resilient cities require a change in the way forests are perceived, from “economic resources” to providing “multiple functions as multifunctional ecosystem services”. Treaty on the Functioning of The EU does not contain provisions on common forestry policies, but rather elaborates them through strategic documents and sectoral policies, leaving the competence and responsibility for forests and forest ecosystems (specific to each country) to the member states, respecting the principle of subsidiarity. Forest protection falls under EU legal principles relating to environmental protection.

The last decade has been marked by efforts by international organizations to achieve a political consensus in encouraging the afforestation of urban areas. Advocating sustainable urban forestry, efforts have been directed towards the formulation of minimum legal standards for urban forestry regulation. Appropriate green and urban policies, planning and management systems, and legal and strategic frameworks can guide relevant stakeholders in creating the basis for the successful establishment, protection, and restoration of urban forests. As urbanization continues to increase and the pressures and problems caused by urbanization become more frequent and obvious, the challenges of sustainable development are increasingly concentrated in urban areas. The unsustainability of urban growth is increasingly putting in the focus of the competent state and local authorities, but also the public, the need for sustainable urban models of green infrastructures, capable of responding to the numerous complex challenges of their management. A comprehensive legal approach to the management of urban green areas is required to mitigate the “heat island” effect and biodiversity loss. “Urban forests affect the regulation of the microclimate of city districts, reduce air pollution, filter floating particles, mitigate wind blows, soil erosion, reduce the negative effects of rainwater and reduce the noise level in cities.”¹⁰⁴ Therefore, it is important to see what

¹⁰⁴ Posavec, S.; Tikvić, I., et al., *Strategic goals of urban forest management in the city of Zagreb*, New forestry mechanization: Journal of forest engineering theory and practice, Vol. 41, No. 1, 2020, pp. 37. See also EU Biodiversity Strategy for 2030 (2.2.8. Greening urban and peri-urban areas), Available at: [<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52020DC0380>], Accessed 10 April 2026.

contribution and role urban forests and green areas can have in achieving the goals of sustainable development.

The potential of urban and sub-urban areas was pointed out through the European Union Forest Action Plan (hereinafter: EUFAP) (2007-2011)¹⁰⁵ back in 2006.¹⁰⁶ The plan provided a coherent framework and was intended to serve as a coordination instrument for initiatives at EU level with the forest policies of the Member States. It proposed 18 key actions aimed at promoting sustainable forest management and the EU forest sector. The EUFAP highlights how (with good and well-designed management, new requirements are imposed on the bodies that manage them) urban forests can significantly contribute to environmental sustainability, economic profitability and convenience, and the improvement of the quality of life in urban areas.

In response to the call of the European Parliament, and in view of the increasing loss of biodiversity (five main drivers of biodiversity loss) and how to prevent it, the European Commission presented the EU Biodiversity Strategy in May 2020. Strategy for 2030 (hereinafter: Biodiversity Strategy) with the slogan “Bringing nature back into our lives”.¹⁰⁷ As one of the key components of the EGD, its implementation in line with other relevant previously highlighted European strategic documents was emphasized. The Biodiversity Strategy is a long-term and ambitious plan with concrete measures, commitments and activities for the protection, restoration and recovery of biodiversity, nature and ecosystems. Among the many objectives of the Biodiversity Strategy, we particularly highlight the area covering urban nature and biodiversity.¹⁰⁸ Given its exceptional importance, it strives to increase the number of forest areas, afforestation and tree planting to support biodiversity and restore ecosystems. The intention is to encourage greening and afforestation trends in order to try to stop the loss of green urban ecosystems. For this purpose,

¹⁰⁵ Available at:
[<https://eur-lex.europa.eu/legal-content/BG/TXT/?uri=LEGISSUM:l24277&frontOfficeSuffix=%2F>], Accessed 3 April 2026.

¹⁰⁶ Communication from the Commission to the Council and the European Parliament on an EU Forest Action, COM/2006/0302 final, Available at:
[<https://eur-lex.europa.eu/legal-content/BG/TXT/?uri=celex%3A52006DC0302>], Accessed 3 April 2026.

¹⁰⁷ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, EU Biodiversity Strategy for 2030 Bringing nature back into our lives, COM/2020/380 final, Available at:
[<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52020DC0380>], Accessed 10 April 2026, (hereinafter: Biodiversity Strategy).

¹⁰⁸ Available at:
[https://environment.ec.europa.eu/topics/nature-and-biodiversity_en], Accessed 10 April 2026.

a European Platform for Urban Greening has been planned, which should facilitate the planting of urban trees.¹⁰⁹ Also, one of the strategic measures refers to the planning of planting 3 billion trees by 2030. Under the subtitle 2.2.8. Greening urban and peri-urban areas of the Strategy, issues related to the exploitation of green urban and suburban areas and their additional greening (creation of accessible and biodiverse urban forests) are covered. The advantages and benefits of such green urban spaces (green islands, roofs, gardens) are highlighted. The “greening of European cities and increasing biological biodiversity” is proposed,¹¹⁰ as well as the promotion of green infrastructure for their systematic integration into urban and spatial planning.¹¹¹ The “value of environmentally sustainable urban planning and infrastructure design” is recognized.¹¹² Furthermore, it warns against reducing the use of chemical pesticides, fertilizers or their complete abolition in green areas, reducing the mowing of urban green areas and all other current methods and practices that threaten or damage biodiversity. Likewise, European cities with at least 20,000 inhabitants are invited to develop Urban Greening Plans. All proposed measures and activities should enable and support increasing urban greening.

Some of the key European initiatives when it comes to forests focus on issues such as promoting sustainable forest management, greater forest protection and the role of forests in mitigating climate change, as well as increasing biodiversity. On 14 July 2021, the European Commission presented the New EU Forest Strategy for 2030.¹¹³ The aforementioned strategy is one of a series of initiatives to reduce greenhouse gas emissions by at least 55% by 2030. It is believed that precisely forests can contribute to this as carbon sinks that can reduce and largely eliminate uncertainties and negativity caused by climate change. It also builds on the EU Biodiversity Strategy until 2030,¹¹⁴ adopted in October 2020. The strategic framework for EU forests highlights the importance and role of forests for human and animal health and contribution to a healthy environment. From the conclusions

¹⁰⁹ Available at:
[<https://platformurbangreening.eu/>], Accessed 10 April 2026.

¹¹⁰ EGD, *op. cit.*, note 101, p. 13.

¹¹¹ See more on [<https://forest.eea.europa.eu/resources/research-corner/research-highlights/urban-forestry-multi-functional-greening-in-the-city/>], Accessed 10 April 2026.

¹¹² Available at:
[<https://climate-adapt.eea.europa.eu/hr/metadata/publications/urban-forests-a-global-perspective>], Accessed 10 April 2026.

¹¹³ COM/2021/572 final, Available at:
[<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52021DC0572>], Accessed 5 April 2026.

¹¹⁴ Available at: [https://commission.europa.eu/documents_en],
[https://ec.europa.eu/commission/presscorner/api/files/attachment/865560/factsheet-EU-biodiversity-strategy_en.pdf], Accessed 5 April 2026.

of the Council on the New EU Strategy for Forests,¹¹⁵ the importance that forest wealth can have as one of the modalities of assistance in “the transition to a green, climate-neutral and competitive circular bio economy and the necessity to achieve a balance between the environmental, social and economic aspects of sustainable forest management” is highlighted.¹¹⁶ The strategy aims to create more resilient, healthier and more biodiverse forests and forest systems/areas that can achieve multifunctional potential: socio-economic, ecological, economic functions. It is also important to highlight the need to establish legally binding instruments for ecosystem restoration. Among the numerous objectives and measures related to forests and forest lands set out in the strategic framework, the expansion of forest and tree coverage in urban areas, i.e. the greening of urban areas, is encouraged. It is concluded that forest ecosystems are additionally affected and threatened by climate change. Sustainable afforestation and forest restoration represent effective ways to achieve a healthy environment, the resilience of these systems and a circular bio economy, all in accordance with environmental principles.

The strategy recognizes urban forests as important multifunctional spaces for urban challenges. Greening and tree planting¹¹⁷ in urban areas (urban and suburban squares, parks, urban gardens, buildings, playgrounds, etc.) is encouraged in order to create urban biodiversity and respect ecological principles and standards. It is emphasized that “afforestation is one of the most effective measures for mitigating climate change and disaster risk in the forest sector.”¹¹⁸ Likewise, urban forests are important because of their direct impact on the well-being and health of citizens and adaptation to climate change by enabling “cooling cities” by mitigating the effects of the “urban heat island”. They ensure disaster resilience, while providing natural flood control, air purification and noise reduction. They have an aesthetic, recreational and educational function. By strengthening the diversity of ecosystems, greater resilience to the increasingly severe consequences of climate change is sought, and thus the reduction of potential natural disasters and catastrophes is sought. This particularly highlights planting in urban areas. The principle of “the right tree in the right place” is promoted, highlighting the importance of planting

¹¹⁵ Council conclusions on the New EU Forest Strategy to 2030, 5 November 2021, Brussels, Available at: [<https://data.consilium.europa.eu/doc/document/ST-13537-2021-INIT/hr/pdf>], Accessed 5 April 2026.

¹¹⁶ Available at: [<https://www.consilium.europa.eu/hr/press/press-releases/2021/11/15/council-adopts-conclusions-on-the-new-eu-forest-strategy-for-2030/>], Accessed 10 April 2026.

¹¹⁷ Monitoring will without ensured through the European Forest Information System (FISE). See more: [<https://forest.eea.europa.eu/>], Accessed 10 April 2026.

¹¹⁸ *Ibid.*

trees to cool cities, purify the air and provide habitat for birds and pollinators, while respecting ecological principles and local conditions. The guideline is that the 3-30-300 rule, which refers to: 3 trees from each home, 30% tree cover in the neighbourhood and access to a park within 300 metres, should be followed. The aim is for the aforementioned rule, which can serve as a benchmark for urban forestry infrastructure, to be a guideline in future European green policies. It seeks to ensure that there is no loss of urban green spaces and tree canopy by 2030. Cities with more than 20,000 inhabitants are encouraged to develop innovative Urban Nature Plans (Urban Greening Plans).¹¹⁹ The aim of the plans is to create biodiverse and accessible urban forests, gardens, parks, green oases, instructive green paths, tree rows, in order to stop the deterioration of urban ecosystems.

Finally, we refer to the EU Nature Restoration Regulation,¹²⁰ which is significant for this topic, which further promotes and encourages the area of urban forestry. This Regulation was adopted in June 2024 with the aim of “restoring degraded ecosystems and restoring nature across Europe, on farmland and seas, in forests and in urban environments”.¹²¹ It is aimed at restoring various types of ecosystems, including urban ecosystems,¹²² which make up 22% of the EU’s surface area. It also, as through the previously mentioned EU legal sources, but in more detail and specifically elaborates and highlights the benefits (control of flood risks, heat islands, recreation, cooling, water and air purification, slowing down water runoff, improving health and many others) urban green areas, green cover and urban ecosystems as important habitats for biodiversity and the need to increase them. Member States are obliged to take measures to avoid the loss or reduction of urban green areas and trees by 2030,¹²³ but also to ensure a trend of increasing green areas in the following years. Some of the numerous restoration measures related to urban areas include increasing the coverage of cities with tree crowns in urban ecosystems and green areas with ecological features. This Regulation particularly highlights areas of sustainable urban and peri-urban forestry and green structures,

¹¹⁹ See more Urban Nature Plans-Guidance for cities to help prepare an urban nature plan, European Commission: Directorate-General for Environment, Publications Office of the European Union, 2024, available at: [<https://data.europa.eu/doi/10.2779/353044>], Accessed 12 April 2026.

¹²⁰ Regulation (EU) 2024/1991 of the European Parliament and of the Council of 24 June 2024 on nature restoration and amending Regulation (EU) 2022/869 [2024] OJ L, 2024/1991, Available at: [<https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32024R1991>], Accessed 12 April 2026 (hereinafter: Regulation on Nature).

¹²¹ Available at: [https://www.europarl.europa.eu/ftu/pdf/hr/FTU_2.4.3.pdf], Accessed 12 April 2026.

¹²² What makes urban ecosystems see Art. 14 para 4 point a) and b) of the Regulation on Nature.

¹²³ See Art. 8 para 1 of the Regulation on Nature.

which are exposed to the challenges of selecting the conditions for planting certain tree species in these areas. Furthermore, Member States should develop national restoration plans¹²⁴ and identify areas of urban ecosystems referred to in Article 8 and create maps of these areas.¹²⁵ In conclusion, urban forestry is directed towards the provision of ecosystem services. It is recognized as a key factor contributing to the achievement of multifunctional benefits and the provision of ecosystem services. Urban areas, urban forests, green infrastructures, are increasingly perceived as “potential nature-based solutions that can address some of the current challenges facing cities, while providing diverse services for human well-being and biodiversity, improving the livelihoods and resilience of cities.”¹²⁶ A transformational shift in thinking about their environmental, cultural and socio-economic purpose and potential is evident.

7. CONCLUSION

The legal-historical analysis presented in this paper leads us to the conclusion that the absence of a uniform legal framework for urban forestry in Croatian legislation cannot be explained solely by the specific disadvantages of the legislative system of some period, but is a consequence of the continued application of the structural principle of fragmentation of normative regulation of urban forestry law from the Habsburg era to the present.

In the several times of Habsburg rule (1852 to 1918), the regulation of forests was based on three parallel, but mutually separate systems. The first system was based on the general forest law system created by the Imperial Forest Patent of 1852. The second of the three 1894 laws passed by the Croatian Parliament determined the joint ownership and supervision of the public domain. Legal municipal law also covered the maintenance of urban green spaces and tree-lined streets. None of them mentioned urban or peri-urban forests as a formally recognized category with specific legal status serving environmental, recreational or public health purposes. In contrast, the Patent of 1852 mainly focused on the conservation of goods produced in forests and preventing illegal deforestation, while the 1894 law specifically addressed the over-exploitation of economic yield generated through common property institutions. Since the municipal regulations mainly concerned the aesthetics of public spaces, the combination of these regulatory tracks especial-

¹²⁴ Art. 14-19 of the Regulation on Nature. See also, available at: [\[https://biodiversity.europa.eu/europes-biodiversity/nature-restoration/reference-portal-for-nature-restoration-regulation\]](https://biodiversity.europa.eu/europes-biodiversity/nature-restoration/reference-portal-for-nature-restoration-regulation), Accessed 12 April 2026.

¹²⁵ Art. 14. para 4 of the Regulation on Nature.

¹²⁶ Borelli, S.; Conigliaro, M.; Di Cagno, F., *Urban forests : a global perspective*, FAO, Rome, 2023, p. 120, available at: [\[https://forestknowledge.eu/hr/resources/urban-forests-a-global-perspective-1\]](https://forestknowledge.eu/hr/resources/urban-forests-a-global-perspective-1), Accessed 15 April 2026.

ly in cities generated meaningful regulatory gaps at the intersections since there was no coordination mechanism.

The interwar period (1918-1945) did not eliminate the fragmentation. On the contrary, the unification into the Kingdom of Serbs, Croats and Slovenes brought a higher degree of legal pluralism. The Law on Forests of 1929 was arguably the most ambitious legislative action taken in this period, but lacked the necessary conceptual clarity. The lines between state and non-state forests continued the rationale of the Habsburg regulations. The only mention that came close to regulating urban ecology was the protection of “climatic and hygienic interests” in paragraphs 6-7. It remained a marginal reference, without institutional implications, while by this time there already existed five parallel legal regimes for the same urban green spaces, without a unified definition or coordination framework. Following governments, the Banovina of Croatia and the Independent State of Croatia, retained the same fragmented structure, but did not introduce any new regulations on urban forestry.

The path dependence becomes evident when comparing the Habsburg legal order with the Kingdom of Yugoslavia's legal system and the systems of three other subsequent states. The normative layer was developed by Habsburg law which was inherited by the Law of the Kingdom of Yugoslavia and continued to subsequent states. The conceptual architecture of forest and parks departments was largely unchanged. Forests were still seen as economic and ecological assets, while parks remained municipal amenities with unclear legal boundaries.

It is important to note that, even today, contemporary Croatian forest law and spatial planning law are under a regime that does not provide for a dedicated statutory definition or integrated management regime for urban forests. The historical origin of this gap might provide a more coherent understanding of policy and legislation and the calls for modern urban green infrastructure and climate change adaptation delivered by the ecosystem services offered by our urban forests. As laid out as early as 1852, nothing has changed.

By analysing the previously presented normative framework that was valid in the territory of Yugoslavia after 1945, an attempt was made to determine the relevance and application of the concept of urban green spaces as well as urban forestry with special reference to the legislative practice of the SR Croatia. The analysis of the relevant provisions showed that the concept of urban forestry was never explicitly recognized in the content of legal regulations. However, it cannot be ignored that the basic functions of urban forestry were nevertheless recognized within the fragmented provisions and their application in the systems of public goods management, forestry legislation, urban planning and regulation of communal services.

The constitutional regulations from 1946, 1963 and 1974, defining forests as goods of general national interest under state protection, created the basis for the later normative articulation of the law on urban forestry and environmental protection. Forestry legislation throughout the socialist period was predominantly oriented towards the economic exploitation and management of forest resources. However, in contrast, urban green spaces, including parks and forest parks, were mostly excluded from the scope of forestry law. This was regulated by the Forestry Act of 1977, which expressly removed city parks from the forestry legislative regime. From that moment on, the regulation of urban green areas is recognized within the framework of regulations on urban planning and municipal legislation.

Urban regulations starting with the Basic Regulation on the General Urban Plan from 1949 gradually institutionalized the issue of urban green areas. This is particularly recognized in the subsequent regulations, the Law on Spatial Planning and Use of Building Land from 1973 and the Law on Spatial Planning and Spatial Planning from 1980. These lists formally included urban greenery in the context of spatial planning and regulated it as a component of the communal system. The general urban plans of Zagreb for 1971 and 1986, which are illustratively listed in the content of the research, most concretely illustrate this claim. The most formal regulatory framework is recognized in the 1978 Law on Municipal Services, where the maintenance of urban green spaces was regulated as a separate municipal activity.

The post-Yugoslav successor states, including Croatia, after the collapse of the SFRY inherited this fragmented but functionally coherent legal area and formed new national legal systems dealing with forests, spatial planning and environmental protection within the framework of separate regulations. Understanding the socialist legal heritage is therefore a necessary prerequisite for a full appreciation of contemporary legislation on urban forestry in the post-Yugoslav legal space.

The normative analysis of the current legal framework in the field of urban forestry shows a certain fragmentation, which is manifested in a wide range of different legal sources related to forests, green areas, communal economy, roads, nature and environmental protection, spatial planning and urban planning, and others. One of the primary legal challenges is the dispersion of relevant provisions across various legal and subordinate legislation. There are certain limitations and challenges in the legal approach to managing these areas. Likewise, the analysis of this stated administrative-legal issue in the field of urban forestry, taking into account the obligations of entities in maintaining urban greenery, encompasses complex legal relationships arising from the management of urban forests and green areas. It encompasses a wide range of responsibilities, primarily focused on maintaining

safety, protecting property and properly performing communal activities. Accordingly, the necessity of a systematic reform of the legal approach to managing green urban areas is proposed. The adoption of the Urban Forestry and Green Infrastructure Act is proposed in order to prescribe all necessary issues in one place and reduce or avoid fragmentation in a number of different laws regulating this area. Furthermore, strengthening inspection supervision and introducing stricter sanctions for unauthorized conversion or destruction of green zones. Integrating the principles of green infrastructure into all levels of spatial planning while ensuring legal mechanisms for their permanent protection. Given that urban forestry is described exclusively as a management activity, and urban forests are defined by spatial criteria, consider supplementing the definition with a functional criterion (multifunctional ecosystem service) as an alternative or complementary criterion to the spatial one.

Although there are differences in (legal) approaches to urban forestry between Member States, a transformational shift is noticeable under the influence of European aspirations in thinking about their environmental, cultural and socio-economic purpose and potential. An additional impact has been achieved due to alignment with modern European and global trends in urban planning and environmental protection, which is also visible in the new regulations in Croatia (2024-2026). The specificities of forest ecosystems within a particular country require individual, but integrated management approaches. The importance of urban forests and green infrastructure as multifunctional spaces is perceived, and the need for changes in national legal frameworks is focused on increasing the green cover in urban ecosystems and green areas with ecological characteristics. A comprehensive legal approach to the management of urban green spaces is required to mitigate the “heat island” effect and biodiversity loss. Although many of the provisions are of recent date, they represent the culmination of legislative developments that began earlier, with the aim of establishing a sustainable and resilient urban environment. Continuous development and alignment with European standards ensure that urban forests and green spaces in Croatia will continue to be given exceptional importance in the future.

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